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SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## Central Valley Regional Water Quality Control Board

23 January 2015

Tom Swett  
Newman Minerals, LLC  
3740 Highway 104  
P.O. Box 1730  
Ione, CA 95640

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### **NOTICE OF APPLICABILITY (NOA); LOW THREAT GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2013-0074; CAPROCK PROJECT; AMADOR COUNTY**

Our office received a Notice of Intent (NOI) on 12 December 2014 from Newman Minerals, LLC (hereinafter Discharger) for its Caprock Project (Project) on property owned by Specialty Granules (Ione) LLC. Based on the information in the NOI, Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff has determined that the project meets the required conditions for approval under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order). This project is hereby assigned Low Threat General Order R5-2013-0074-147 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995001. Please reference unique Order **R5-2013-0074-147** in all future correspondence and documents.

The enclosed Low Threat General Order may also be viewed at the following web address: [http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf). You are urged to familiarize yourself with the contents of the entire document. The Low Threat General Order prescribes mandatory discharge monitoring and reporting requirements. The project activities shall be operated in accordance with the requirements contained in this NOA, the Low Threat General Order, and with the information submitted by the Discharger.

### **CALIFORNIA TOXICS RULE / STATE IMPLEMENTATION POLICY MONITORING**

The Low Threat General Order incorporates the requirements of the California Toxics Rule (CTR) and the State Water Resources Control Board's (State Water Board), *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California, 2005*, also known as the State Implementation Policy (SIP). Screening levels for CTR constituents are found in Attachment B of the Low Threat General Order. Review of your water quality data in comparison to the CTR screening values showed no reasonable potential to cause or contribute to an instream exceedance of the CTR criteria to Hadselville Creek.

### **PROJECT DESCRIPTION**

The discharge is located at 1900 Highway 104, approximately three miles west-northwest of Ione. This discharge will be an intermittent release of water from an aggregate wash-water settling pond. The settling pond, identified as Pond 3, is the third and final pond in the closed-circuit wash water recycling system utilized by Newman Minerals, LLC at the Project site.

The discharge would be the result of a storm event that exceeds Pond 3's freeboard capacity. The discharge is expected to occur approximately once per year, or less, and to generate a discharge volume of less than 0.001 million gallons per day. Discharge water from Pond 3 spills and runs overland to a typically dry unnamed tributary to the west of the Project. The unnamed tributary drains into an unnamed pond, where it mixes with other drainage from the Specialty Granules (Ione) LLC property, and then discharges to Hadselville Creek. Hadselville Creek drains into Laguna Creek which drains into the Cosumnes River.

**MONITORING AND REPORTING**

The Discharger must notify Central Valley Water Board staff 24 hours 1) before the start of each new discharge, 2) as soon as noncompliance is anticipated, and 3) when the discharge ceases.

The Discharger must submit quarterly reports, as described in Attachment E, Section X of the Low Threat General Order, even if there is no discharge or receiving water flow during the reporting quarter, until the Discharger formally requests that coverage under the Order be terminated.

**Monitoring Locations** – Pond 3 is the headwaters of the unnamed tributary; therefore, upstream receiving water monitoring is infeasible and not required. Downstream receiving water monitoring is not required because downstream the unnamed tributary consists only of discharge water. Receiving water monitoring in Hadselville Creek is not required because the discharge to the creek is a mixture of the discharge and other storm water discharges from the Specialty Granules (Ione) property; therefore, the monitoring data would not be relevant. The Discharger shall monitor the effluent at the specified location as follows:

**Table E-1. Monitoring Station Locations**

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
001	EFF-001	A location where a representative sample of the effluent can be collected prior to discharging to unnamed tributary to Hadselville Creek.

**Effluent Monitoring** – When discharging, the Discharger shall monitor the effluent at EFF-001 as follows:

**Table E-2. Effluent Monitoring – Discharges Greater than 4 Months in Duration**

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Biochemical Oxygen Demand (5-Day @ 20 °C)	mg/L	Grab	1/Quarter	2
Chlorine, Total Residual	mg/L	Grab	1/Quarter	2,3,4
Electrical Conductivity @ 25 °C	µmhos/cm	Grab	1/Quarter	2
Flow	MGD	Meter	Continuous	2
pH	standard units	Grab	1/Month	2
Settleable Solids	mL/L	Grab	1/Quarter	2
Total Suspended Solids	mg/L	Grab	1/Quarter	2
Temperature	°F	Grab	1/Month	2

If the discharge is intermittent rather than continuous, then on the first day of each such intermittent discharge, the Discharger shall monitor and record data for all of the constituents listed above, after which the frequencies of analysis

- given in the schedule shall apply for the duration of each such intermittent discharge. In no event shall the Discharger be required to monitor and record data more often than twice the frequencies listed in the table.
- 2 Pollutants shall be analyzed using the analytical methods described in 40 CFR Part 136.
  - 3 A handheld field meter may be used, provided the meter utilizes a USEPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring required by this Monitoring and Reporting Program shall be maintained at the Facility.
  - 4 Total chlorine residual must be monitored with a method sensitive to and accurate at a reporting level of 0.08 mg/L, or any more stringent reporting level included in a final statewide policy or standard for total residual chlorine.

**Receiving Water Monitoring - Not Applicable**

**Monitoring Report Submittals** - Monitoring in accordance with the Low Threat General Order shall begin upon initiation of discharge. Monitoring reports shall be submitted to the Central Valley Water Board on a quarterly basis, beginning with the First Quarter 2015. This report shall be submitted on 1 May 2015. If monitoring samples were not obtained within 24 hours of initiation of the discharge, the Discharger must document the reasons in the corresponding monitoring report. If the discharge has not begun there is no need to monitor. However, a monitoring report must be submitted stating that there has been no discharge. Table E-6, below, summarizes the monitoring report due dates required under the Low Threat General Order. Quarterly monitoring reports must be submitted until your coverage is formally terminated in accordance with the Low Threat General Order, even if there is no discharge during the reporting quarter.

**Table E-6. Monitoring Periods and Reporting Schedule**

Sampling Frequency	Monitoring Period Begins On...	Quarterly Report Due Date
1/Discharge Event, Continuous, 2/Week, 1/Month, 2/Month, 1/Quarter	23 January 2015	1 May (1 Jan – 31 Mar) 1 Aug (1 Apr – 30 Jun) 1 Nov (1 Jul – 30 Sep) 1 Feb, of following year (1 Oct – 31 Dec)

**GENERAL INFORMATION AND REQUIREMENTS**

The Central Valley Water Board shall be notified immediately if any effluent limit violation is observed during implementation of the project.

Discharge of material other than what is described in the application is prohibited. The required annual fee (as specified in the annual billing you will receive from the State Water Resources Control Board) shall be submitted until the discharge is terminated. To terminate coverage under the Low Threat General Order, the Discharger must submit written notification to the Central Valley Water Board that the discharge regulated by this Low Threat General Order has ceased and is no longer necessary. If a timely written request is not received, then the Discharger will be required to pay additional annual fees as determined by the State Water Resources Control Board.

**ENFORCEMENT**

Failure to comply with the Limited Threat General Order may result in enforcement actions, which could include civil liability. Effluent limitation violations are subject to discretionary penalties of up to \$10,000 per violation and to Mandatory Minimum Penalties (MMPs) of \$3,000 per violation. In addition, late monitoring reports are subject to both discretionary and mandatory

penalties. When discharges do not occur during a quarterly report monitoring period, the Discharger must still submit a quarterly monitoring report indicating that no discharge occurred to avoid being subject to enforcement actions.

### **COMMUNICATION**

All documents, including monitoring reports, response to inspections, written notifications, and documents submitted to comply with this NOA and the Limited Threat General Order, should be submitted to the NPDES Compliance unit, attention Mohammad Farhad. Mr. Farhad can be reached at (916) 464-1181 or Mohammad.Farhad@waterboards.ca.gov.

We have transitioned to a paperless office, therefore, please convert all documents to a searchable Portable Document Format (pdf) and email them to centralvalleysacramento@waterboards.ca.gov. Please also include the Discharger name, facility name, county, and CIWQS Place ID# 811532 in the body of the email. Documents that are 50 megabytes or larger should be transferred to a DVD, or flash drive and mailed to our office, attention "ECM Mailroom-NPDES". Please include the attached Monitoring Report Transmittal Form as the first page of each monitoring report.

Questions regarding the permitting aspects of this Low Threat General Order, and written notification for termination of coverage under the Low Threat General Order, shall be directed to Josh Palmer of the Central Valley Water Board's NPDES Permitting Unit. Mr. Palmer can be reached at (916) 464-4674 or Joshua.Palmer@waterboards.ca.gov.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with California Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this NOA, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

### ***Original Signed by Adam Laputz for***

Pamela C. Creedon  
Executive Officer

Enclosures: General Order R5-2013-0074 (Discharger only)  
Monitoring Report Transmittal Form (Discharger only)

cc: David Smith, U.S. EPA, Region IX, San Francisco (email only)  
Phil Isorena, Division of Water Quality, State Water Board, Sacramento (email only)  
Ken Walton, Specialty Granules (Ione) LLC, Hagerstown, Maryland (email only)